

RECEIVED
USDC, WESTERN DISTRICT OF LA.
TONY R. MOORE, CLERK
DATE 6/10/09
BY PS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

PERRY MAURICE BANKS

CIVIL ACTION NO. 08-1909

VERSUS

JUDGE ROBERT G. JAMES

CHAD LEE, ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

Before the Court is Plaintiff Maurice Banks' civil rights complaint filed on December 3, 2008.

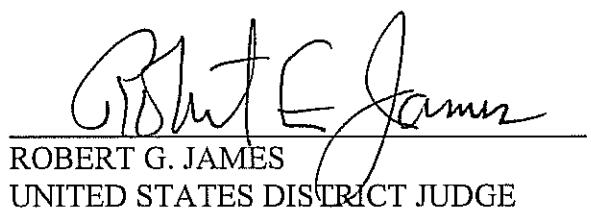
On April 22, 2009, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 6], recommending that Plaintiff's complaint be dismissed pursuant to Federal Rule of Civil Procedure 41(b) because Plaintiff failed to amend his complaint as ordered by the Court.

On May 18, 2009, the Court declined to adopt the Report and Recommendation. [Doc. No. 7]. The Court also advised Plaintiff that his complaint would be dismissed with prejudice under Rule 41(b) unless Plaintiff filed, within fifteen (15) calendar days, (1) evidence of good cause for his failure to amend his complaint, and (2) an amended complaint. [Doc. No. 8].

Plaintiff has failed to do so.

Federal Rule of Civil Procedure Rule 41(b) permits the dismissal of an action for failure to comply with a court order. *See FED. R. CIV. P. 41(b)*. The Court finds that dismissal with prejudice is appropriate in this case because lesser sanctions have not prompted diligent prosecution by Plaintiff and have otherwise proved futile. *See Berry v. CIGNA/RSI-CIGNA*, 975 F.2d 1188, 1190 (5th Cir. 1992). Accordingly, Plaintiff's claims are DISMISSED WITH PREJUDICE.

MONROE, LOUISIANA, this 16 day of June, 2009.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE